

## SENATE BILL No. 482

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 3-7; IC 3-8-3-9; IC 3-14-5-3; IC 12-7-1-3; IC 16-18-1-3; IC 16-37-3-9; IC 12-14-1.5-1.5; IC 12-14-25-1.5; IC 12-15-1.5-1.5; IC 16-35-1.6-1.5.

**Synopsis:** Voter registration. Amends procedures for processing incomplete or late registration applications or transfers and for forwarding applications between county voter registration offices. Makes changes relating to the location of voter registration form distribution sites and "full service" voter registration sites. Requires that a downloadable version of the current registration by mail form be published on the election division web site. Removes references to providing paper copies of registration forms. Requires the statewide voter registration list and each of its components to be used solely for voter registration and election administration purposes, except as otherwise specified by law. Prescribes procedures for making certain voter registration data from the statewide voter registration list available. Permits circuit court clerks to use the statewide voter registration list to certify official returns from presidential primaries in the same manner that other election results may be certified using the list. Requires a local health officer to make information concerning the Social Security numbers of deceased individuals available to the secretary of state and election division for voter list maintenance. Updates obsolete references.

**Effective:** Upon passage; July 1, 2005; January 1, 2006.

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**Lawson C**

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January 18, 2005, read first time and referred to Committee on Elections and Civic Affairs.

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First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## SENATE BILL No. 482

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1       SECTION 1. IC 3-7-13-12 IS AMENDED TO READ AS  
2       FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 12. **(a)** Except as  
3       otherwise provided in this article, if a ~~circuit court clerk or board of~~  
4       **county voter registration office** receives a properly completed  
5       registration application ~~in the office of the clerk or board~~ during a time  
6       other than the registration period described in section 10 of this  
7       chapter, the ~~clerk or board~~ **county voter registration office** shall  
8       process the application on the first day that the registration period  
9       resumes. ~~enter the data from the application into the computerized~~  
10      **list and designate the application as pending in the same manner**  
11      **as other applications received while the registration period was**  
12      **open are designated as pending under IC 3-7-33-5. However, the**  
13      **county voter registration office shall ensure that:**  
14              **(1) the notice required under IC 3-7-33-5 is not mailed to the**  
15              **applicant before the first day that the registration period**  
16              **reopens; and**  
17              **(2) the registration information provided by the applicant**



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**does not appear on any certified list of voters or certificate of error issued under this article.**

(b) If an individual does not have a driver's license issued under IC 9-24-11, the individual must provide the last four (4) digits of the individual's Social Security number when the individual registers to vote, as provided under 42 U.S.C. 15483.

(c) ~~This subsection applies after December 31, 2005.~~ As required under 42 U.S.C. 15483, if an individual does not have a Social Security number, the election division shall assign the individual a number to be associated with the individual's registration in the computerized list maintained under IC 3-7-26.3. If the individual has an identification card number issued under IC 9-24-16, the election division shall assign that number as the voter's number under this subsection. If the individual does not have an identification card number issued under IC 9-24-16, the election division shall assign a unique identifying number to the voter's registration record in the computerized list, as provided under 42 U.S.C. 15483.

(d) The number provided by the individual under subsection (a) or (b), or the number assigned to the individual under subsection (c), is the individual's voter identification number.

(e) A voter's voter identification number may not be changed unless:

(1) the voter made an error when providing the number when registering to vote;

(2) the election division or a county voter registration office made an error when entering the number into the computerized list under IC 3-7-26.3;

(3) the voter obtains or provides a driver's license number under IC 9-24-11 or a Social Security number after the voter was assigned a number under subsection (c); or

(4) the voter ceases to have a driver's license number under IC 9-24-11 after the voter provided that number under subsection (a).

(f) If a voter transfers the voter's registration and the voter's voter identification number is not included in the voter's registration records, the voter registration officer of the county in which the voter's registration is to be transferred shall require the voter to provide the number required by subsection (a) or (b) before the voter's registration is transferred. If ~~after December 31, 2005,~~ the voter does not have either of the numbers described in subsection (a) or (b), a voter identification number shall be assigned to the voter under subsection (c).

SECTION 2. IC 3-7-18-2 IS AMENDED TO READ AS FOLLOWS

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[EFFECTIVE UPON PASSAGE]: Sec. 2. As provided in 42 U.S.C. 1973gg-5(a)(4)(A)(i) and 42 U.S.C. 1973gg-5(a)(6)(A), an agency designated under IC 3-7-19 (board of registration offices), ~~IC 3-7-20 (city clerk, city clerk-treasurer, or town clerk-treasurer)~~, IC 3-7-20.5 (unemployment compensation offices), and IC 3-7-21 (additional designated voter registration offices) shall distribute a voter registration form prescribed under this chapter to each person applying for assistance from the agency whenever the applicant:

- (1) applies for service or assistance;
- (2) applies for recertification or renewal of services or assistance;
- or
- (3) submits a change of address form relating to the service or assistance;

unless the applicant declines in writing to register to vote.

SECTION 3. IC 3-7-22-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. This chapter prescribes procedures for voter registration by mail as provided in 42 U.S.C. 1973gg-4 and ~~after December 31, 2003~~, 42 U.S.C. 15483.

SECTION 4. IC 3-7-22-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. As provided in 42 U.S.C. 1973gg-4(a)(1) and ~~after December 31, 2003~~, 42 U.S.C. 15483, a county voter registration office shall accept and use the mail voter registration form prescribed by the federal Election Assistance Commission under 42 U.S.C. 1973gg-7(a)(2).

SECTION 5. IC 3-7-22-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. As provided in 42 U.S.C. 1973gg-4(a)(2) and ~~after December 31, 2003~~, 42 U.S.C. 15483, a county voter registration office shall accept and use a mail voter registration form prescribed by the commission that complies with 42 U.S.C. 1973gg-7(b)(2), 42 U.S.C. 15483, ~~after December 31, 2003~~, and this article.

SECTION 6. IC 3-7-22-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) A mail registration form prescribed under section 3 of this chapter may only require information necessary to enable the county voter registration office to do the following:

- (1) Assess the eligibility of the applicant, including ~~after December 31, 2003~~, the eligibility of the applicant under 42 U.S.C. 15483.
- (2) Administer the voter registration and election process.

(b) The information required under subsection (a) may include the following:

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(1) The signature of the applicant.

(2) Data relating to previous registration by the applicant.

(c) The form may not include any requirement for notarization or other formal authentication.

SECTION 7. IC 3-7-22-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. A mail registration form prescribed under section 3 of this chapter must meet the following requirements:

(1) The form must include a statement that does the following:

(A) Sets forth each eligibility requirement for registration (including citizenship).

(B) Contains an attestation that the applicant meets each of the eligibility requirements.

(C) Requires the signature of the applicant, under penalty of perjury.

(2) The form must include, in print that is identical to the print used in the attestation part of the application, information setting forth the penalties provided by law for submission of a false voter registration application.

(3) ~~After December 31, 2003~~; The question "Are you a citizen of the United States of America?" and boxes for the applicant to check to indicate whether the applicant is or is not a citizen of the United States.

(4) ~~After December 31, 2003~~; The question "Will you be 18 years of age on or before election day?" and boxes for the applicant to check to indicate whether or not the applicant will be eighteen (18) years of age on or before election day.

(5) ~~After December 31, 2003~~; A statement informing the individual that if the form is submitted by mail and the individual is registering for the first time, the appropriate information required under 42 U.S.C. 15483 must be submitted with the mail-in registration form in order to avoid the additional identification requirements upon voting for the first time.

SECTION 8. IC 3-7-22-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) As provided in 42 U.S.C. 1973gg-4(b), the NVRA official shall make registration by mail forms available for distribution, with particular emphasis on organized voter registration programs.

(b) ~~This subsection does not apply to a request made by the state chairman of a political party whose nominee received at least two percent (2%) of the total vote cast for secretary of state at the most recent election for secretary of state. The co-directors shall require a~~

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person who requests more than ten thousand (10,000) registration forms to submit a voter registration program plan to The NVRA official to document the person's need for the desired number of forms: **complies with subsection (a) by ensuring that a downloadable version of the current registration by mail form is published on the election division web site.**

SECTION 9. IC 3-7-24-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. Each ~~school corporation with~~ a public secondary school is a distribution site for registration by mail forms.

SECTION 10. IC 3-7-24-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. Each office of a city clerk, city clerk-treasurer, or town clerk-treasurer

(1) ~~designated under IC 3-7-20; or~~

(2) ~~that does not otherwise provide voter registration services under IC 3-7-20;~~

is a distribution site for registration by mail forms.

SECTION 11. IC 3-7-26.3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) As required under 42 U.S.C. 15483, the computerized list must:

(1) be defined, maintained, and administered at the state level;

(2) contain the name and registration information of every voter in Indiana; and

(3) assign a unique identifier to each voter in Indiana.

**(b) To ensure the proper maintenance and administration of the list under subsection (a)(1), the secretary of state and the election division are the owners of all property comprising the computerized list. Except as expressly provided by statute, the computerized list and each of its components must be used exclusively for voter registration and election administration and for no other purpose.**

SECTION 12. IC 3-7-26.3-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 24. The computerized list must permit a circuit court clerk to transmit reports or statements to the election division under IC 3-6-5, this article, **IC 3-8-3**, or IC 3-12-5.

SECTION 13. IC 3-7-26.4 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:

**Chapter 26.4. Statewide Voter Registration Information**

**Sec. 1. This chapter applies:**

**(1) to the computerized list established under IC 3-7-26.3; and**

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(2) after December 31, 2005.

**Sec. 2.** The election division may not provide any part of the compilation of the voter registration information contained in the computerized list except:

- (1) as provided in IC 3-7-26.3 or this chapter;
- (2) to perform voter list maintenance duties required by 42 U.S.C. 15483; or
- (3) to redact voter registration information declared confidential under a court order or IC 5-26.5-2.

**Sec. 3.** The election division shall provide information from the computerized list to an individual to permit the individual to confirm the voter registration status of the individual and the location of the polling place for the individual's precinct.

**Sec. 4.** The election division may provide parts and reports from the voter registration information from the computerized list for the purposes specified under IC 3-7-26.3-29. However, the parts and reports provided under this section may not include information described under section 8 of this chapter.

**Sec. 5.** The election division may provide parts and reports from the computerized list concerning information other than lists of registered voters.

**Sec. 6.** Upon request, and not later than five (5) days after the request is filed with the election division, the election division shall provide a complete compilation of the voter registration information contained in the computerized list, including any format information or other information necessary to decode the data, to any of the following entities:

- (1) The state committee of a major political party.
- (2) The state organization of a bona fide political party that is not a major political party if the party has at least two (2) candidates on the ballot in the next election.
- (3) The committee of an independent candidate for federal or state office if the candidate is on the ballot in the next general election.
- (4) A member of the media for publication in a news broadcast or newspaper.
- (5) The chief justice of the supreme court, for purposes of state administration of a jury management system.
- (6) Each of the following:
  - (A) The speaker of the house of representatives.
  - (B) The minority leader of the house of representatives.
  - (C) The president pro tempore of the senate.

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**(D) The minority leader of the senate.**

**Sec. 7. The election division shall promptly notify a person described in section 6 of this chapter when the compilation requested by the person is available.**

**Sec. 8. (a) This section applies to a person other than a registered voter requesting information about the registered voter.**

**(b) After a person files a request with the election division for voter registration information compiled under this chapter, the election division shall provide a compilation of the information from the computerized list to the person, redacting the information described in subsection (c).**

**(c) The election division shall not provide information under this section concerning any of the following information concerning a voter:**

**(1) Date of birth.**

**(2) Gender.**

**(3) Telephone number or electronic mail address.**

**(4) Voting history.**

**(5) A voter identification number or another unique field established to identify a voter.**

**(6) The date of registration of the voter.**

**Sec. 9. A person who files a request for a compilation of the information contained in the computerized list with the election division under this chapter must execute an agreement with the election division on a form prescribed under IC 3-5-4-8.**

**Sec. 10. The form described by section 9 of this chapter must state that the person receiving a compilation of information under this chapter may not:**

**(1) use the compilation to solicit for the sale of merchandise, goods, services, or subscriptions; or**

**(2) sell, loan, give away, or otherwise deliver the information obtained by the request to any other person (as defined in IC 5-14-3-2);**

**for a purpose other than political activities or political fundraising activities.**

**Sec. 11. The publication of information obtained under this chapter in a news broadcast or newspaper is not prohibited by this chapter.**

**Sec. 12. (a) This section does not apply to the chief justice of the supreme court or to a person described by section 8 of this chapter.**

**(b) Notwithstanding IC 5-14-3-8, the election division shall charge each person described by section 6 of this chapter a fee of**

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1 five thousand dollars (\$5,000) to receive a complete compilation of  
 2 the voter registration information contained in the computerized  
 3 list.

4 **Sec. 13. (a) This section applies to the following:**

5 (1) A registered voter requesting information about the  
 6 registered voter.

7 (2) The chief justice of the supreme court who receives a  
 8 complete compilation of voter registration information for the  
 9 purpose described in section 6 of this chapter.

10 (b) The election division may not a charge a fee to a person who  
 11 receives a compilation under this section.

12 SECTION 14. IC 3-7-29-1 IS AMENDED TO READ AS  
 13 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) Not later than  
 14 ten (10) days before the election at which the registration record is to  
 15 be used, the county voter registration office shall prepare certified  
 16 copies of the list of registered voters for each precinct in the county.

17 (b) The lists must contain the following information concerning  
 18 each registered voter:

19 (1) The full name of the voter.

20 (2) The address of the voter.

21 (3) The assigned county identification number.

22 (4) ~~After December 31, 2003,~~ Whether the voter is required to  
 23 provide additional identification before voting either in person or  
 24 by absentee ballot.

25 (c) The names shall be arranged in the same order as they are in the  
 26 registration record of the precinct.

27 SECTION 15. IC 3-7-31-4 IS AMENDED TO READ AS  
 28 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) A form used  
 29 to apply for registration at a license branch must comply with 42 U.S.C.  
 30 1973gg-3(c)(2) and 42 U.S.C. 1973gg-3(d).

31 (b) A form used to apply for registration at:

32 (1) a public assistance agency designated under IC 3-7-15;

33 (2) an agency serving persons with disabilities designated under  
 34 IC 3-7-16;

35 (3) an additional office designated under IC 3-7-18 ~~or~~ IC 3-7-19;  
 36 ~~or IC 3-7-20;~~ or

37 (4) an office of the department of employment and training  
 38 services designated under IC 3-7-20.5;

39 must comply with 42 U.S.C. 1973gg-5(a)(6).

40 SECTION 16. IC 3-7-32-1 IS AMENDED TO READ AS  
 41 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) Each voter  
 42 shall execute an original registration form. ~~A voter is not required to~~

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1 execute a duplicate affidavit if the voter is registering by mail, in a  
 2 license branch, or in a voter registration agency designated under this  
 3 article.

4 **(b) An applicant's original registration form may not be signed**  
 5 **by a person acting for the applicant under IC 30-5-5-14.**

6 SECTION 17. IC 3-7-33-1 IS AMENDED TO READ AS  
 7 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. This chapter  
 8 applies to the processing of registration forms by a ~~circuit court clerk~~  
 9 **or board of county voter registration office.**

10 SECTION 18. IC 3-7-33-5 IS AMENDED TO READ AS  
 11 FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 5. (a) When the  
 12 county voter registration office receives an application for a new  
 13 registration or an application with information that revises or adds  
 14 information to the applicant's current voter registration record, the  
 15 county voter registration office shall determine if the applicant appears  
 16 to be eligible to register to vote based on the information in the  
 17 application.

18 (b) As required under 42 U.S.C. 1973gg-6(a)(2), the county voter  
 19 registration office shall send a notice to each person from whom the  
 20 county voter registration office receives a voter registration application.  
 21 The county voter registration office shall send a notice to the applicant  
 22 at the mailing address provided in the application.

23 (c) The notice required by subsection (b) must set forth the  
 24 following:

- 25 (1) A statement that the application has been received.
- 26 (2) The disposition of the application by the county voter
- 27 registration office.
- 28 (3) If the county voter registration office determines that the
- 29 applicant appears to be eligible, the notice must state the
- 30 following:

31 (A) The applicant is registered to vote under the residence  
 32 address when the applicant receives the notice. An applicant  
 33 is presumed to have received the notice unless the notice is  
 34 returned by the United States Postal Service due to an  
 35 unknown or insufficient address **and received by the county**  
 36 **voter registration office not later than seven (7) days after**  
 37 **the notice is mailed to the applicant.**

38 (B) The name of the precinct in which the voter is registered.

39 (C) The address of the polling place for the precinct in which  
 40 the voter is registered.

41 (D) The voter's voter identification number.

- 42 (4) In accordance with 42 U.S.C. 1973ff-1(d), if the county voter

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1 registration office has denied the application, the notice must  
2 include the reasons for the denial.

3 (d) The notice required by subsection (b) may include a voter  
4 registration card.

5 (e) If the notice is returned by the United States Postal Service due  
6 to an unknown or insufficient address, the county voter registration  
7 office shall determine that the applicant is ineligible and deny the  
8 application.

9 **(f) During the seven (7) days following the mailing of the notice**  
10 **to the voter under this section, the county voter registration office**  
11 **shall indicate in the computerized list maintained under**  
12 **IC 3-7-26.3 that the application is pending. If the notice is not**  
13 **returned by the United States Postal Service and received by the**  
14 **county voter registration office at the expiration of the seven (7)**  
15 **day period under subsection (c), the county voter registration office**  
16 **shall indicate in the computerized list that the applicant is a**  
17 **registered voter.**

18 **(g) This subsection applies if the notice is mailed by the county**  
19 **voter registration office after the certified list is prepared under**  
20 **IC 3-7-29. If the seven (7) day period under subsection (c) expires**  
21 **before election day, and the applicant would otherwise have been**  
22 **included on the certified list, the county voter registration office**  
23 **shall prepare a certificate of error under IC 3-7-48 to note the**  
24 **addition of the voter to the certified list. If the seven (7) day period**  
25 **has not expired before election day, the county voter registration**  
26 **office shall notify the county election board. The county election**  
27 **board shall certify to the inspector of the precinct where the**  
28 **applicant resides that the applicant's voter registration application**  
29 **is pending, and that the voter, subject to fulfilling the requirements**  
30 **of IC 3-11.7, is entitled to cast a provisional ballot.**

31 SECTION 19. IC 3-7-34-1 IS AMENDED TO READ AS  
32 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. This chapter  
33 applies when a county voter registration office receives a registration  
34 form that is not properly completed under:

- 35 (1) IC 3-7 or ~~after December 31, 2003~~, 42 U.S.C. 15483; or  
36 (2) is filed in an incorrect county.

37 SECTION 20. IC 3-7-34-1.7 IS ADDED TO THE INDIANA CODE  
38 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
39 UPON PASSAGE]: Sec. 1.7. As used in this chapter, "registration  
40 form" includes an application for registration or a request to  
41 transfer the voter's registration to another address.

42 SECTION 21. IC 3-7-34-2 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) This section  
 2 applies when a county voter registration office receives a registration  
 3 form that is not fully and properly completed so that the ~~clerk or board~~  
 4 **county voter registration office** can determine if the applicant is  
 5 eligible to register under this article or ~~after December 31, 2003~~; fails  
 6 to answer either of the questions set forth in IC 3-7-22-5(3) or  
 7 IC 3-7-22-5(4).

8 (b) As required by 42 U.S.C. 15483, the county voter registration  
 9 office shall promptly make:

10 (1) one (1) effort to contact the voter by mail if possible; and

11 (2) one (1) effort to contact the voter by telephone if a telephone  
 12 number is listed.

13 SECTION 22. IC 3-7-34-3 IS AMENDED TO READ AS  
 14 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) This  
 15 subsection applies ~~after December 31, 2003~~; to a registration  
 16 ~~application form~~ that is incomplete as a result of the failure of the  
 17 applicant to answer either of the questions set forth in IC 3-7-22-5(3)  
 18 or IC 3-7-22-5(4). If the county voter registration office obtains a  
 19 written statement from the applicant:

20 (1) answering either or both of the questions that were not  
 21 answered on the original ~~application~~ **form**; and

22 (2) not later than the twenty-ninth day before the date of the next  
 23 ~~general~~ election following the date the ~~application form~~ was filed;  
 24 the county voter registration office shall process the form under this  
 25 article.

26 (b) This subsection applies to a registration application that is  
 27 incomplete for a reason other than the failure of the applicant to answer  
 28 either of the questions set forth in IC 3-7-22-5(3) or IC 3-7-22-5(4). If  
 29 the county voter registration office obtains information under section  
 30 2(b)(1) of this chapter that permits the county voter registration office  
 31 to complete the registration form, the county voter registration office  
 32 shall process the form under this article. **If the county voter**  
 33 **registration office obtains information under section 2(b)(2) of this**  
 34 **chapter from the voter that permits the county voter registration**  
 35 **office to complete the registration form, the county voter**  
 36 **registration office shall document the information and process the**  
 37 **form under this article.**

38 SECTION 23. IC 3-7-34-4 IS AMENDED TO READ AS  
 39 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. **Not later than**  
 40 **the date the county is required to prepare a certified list of voters**  
 41 **under IC 3-7-29-1, the circuit court clerk or board of county voter**  
 42 **registration office shall certify to the county election board a list of the**

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1 registration forms that remain incomplete after the effort made under  
 2 section 2 of this chapter and that do not permit the ~~clerk or board~~  
 3 **county voter registration office** to determine if the applicant is  
 4 eligible to register under this article. Upon certification, the ~~clerk or~~  
 5 **board county voter registration office** shall reject the applications.

6 SECTION 24. IC 3-7-34-6 IS AMENDED TO READ AS  
 7 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. If the ~~circuit~~  
 8 **court clerk or board of county voter registration office** obtains the  
 9 information under section 5 of this chapter required to complete the  
 10 form, the ~~clerk or board county voter registration office~~ shall process  
 11 the form under this article. If the ~~clerk or board county voter~~  
 12 **registration office** cannot obtain the information under section 5 of  
 13 this chapter and the form is otherwise complete, the ~~clerk or board~~  
 14 **county voter registration office** shall process the form under this  
 15 chapter.

16 SECTION 25. IC 3-7-34-7 IS AMENDED TO READ AS  
 17 FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 7. (a) The ~~circuit~~  
 18 **court clerk or board of county voter registration office** shall certify to  
 19 the **county election board NVRA official on an expedited basis** a list  
 20 of the registration forms that have been processed under section 6 of  
 21 this chapter but do not contain information required to be supplied by  
 22 the bureau of motor vehicles commission or a voter registration agency.

23 (b) The **county election board NVRA official** shall notify the  
 24 commission or agency by ~~United States first class mail~~ that the  
 25 commission or agency is required to supply the omitted information ~~not~~  
 26 ~~later than thirty (30) days after the date of the letter.~~ **on an expedited**  
 27 **basis to the county voter registration office following receipt of**  
 28 **notice from the NVRA official.**

29 SECTION 26. IC 3-7-34-9 IS AMENDED TO READ AS  
 30 FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 9. (a) This section  
 31 applies when a ~~circuit court clerk or board of county voter registration~~  
 32 **office** receives a registration form for a voter whose address is:

33 (1) located in Indiana; and

34 (2) not located in the county where the **county voter registration**  
 35 **office of the clerk or board** is located.

36 (b) The ~~clerk or board county voter registration office~~ shall  
 37 **promptly** deliver or mail the registration form described in subsection  
 38 (a) **on an expedited basis** to the ~~clerk or board of the county voter~~  
 39 **registration office of the county** in which the voter resides. **To**  
 40 **comply with this subsection, the county voter registration office**  
 41 **may forward an optically scanned image of the voter registration**  
 42 **form to the county voter registration office of the county in which**

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1 the voter resides and subsequently forward the original copy of the  
2 form to the county voter registration office.

3 (c) The ~~clerk or board~~ county voter registration office of the  
4 county in which the voter resides shall process the registration form  
5 and register the voter under this article **if the registration:**

6 (1) **was received by the original county voter registration**  
7 **office or accepted by the bureau of motor vehicles or a voter**  
8 **registration agency during the registration period specified**  
9 **under IC 3-7-13-10; or**

10 (2) **is a registration by mail form received in compliance with**  
11 **IC 3-7-33-4.**

12 SECTION 27. IC 3-7-34-10 IS AMENDED TO READ AS  
13 FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 10. Whenever the  
14 election division receives ~~a registration form or~~ authorization to cancel  
15 a registration for a resident of a county in Indiana, the election division  
16 shall ~~promptly~~ forward the ~~form or~~ cancellation **on an expedited basis**  
17 **to the circuit court clerk or board of county voter registration of the**  
18 **county office. To comply with this section, the election division may**  
19 **forward an optically scanned image of the cancellation to the**  
20 **county voter registration office and subsequently forward the**  
21 **original copy of the cancellation to the county voter registration**  
22 **office.**

23 SECTION 28. IC 3-7-34-13 IS AMENDED TO READ AS  
24 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. ~~If a circuit~~  
25 ~~court clerk or board of registration~~ receives a registration form from the  
26 clerk or board of another county under this chapter not later than the  
27 date that the certified list of voters is prepared for inspectors, the voter  
28 shall be added to the voter registration record of the precinct and the  
29 certified list of voters: (a) ~~If the a registration form complies with~~  
30 **section 9(c) of this chapter and** is received after the certified list has  
31 been prepared **under IC 3-7-29, the clerk or board county voter**  
32 **registration office shall:**

33 (1) ~~process the form on the first day that the registration period~~  
34 ~~resumes; in accordance with IC 3-7-33-5; and~~

35 (2) **if the registration application is approved, issue a**  
36 **certificate of error under IC 3-7-48.**

37 (b) **If a registration form does not comply with section 9(c) of**  
38 **this chapter, the county voter registration office shall process the**  
39 **form in accordance with IC 3-7-13-12.**

40 SECTION 29. IC 3-7-48-2 IS AMENDED TO READ AS  
41 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. A certificate of error  
42 issued under section 1 of this chapter:

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1 (1) may be issued at any time after the production of the  
2 certified list under IC 3-7-29;

3 (2) shall be executed in duplicate by the circuit court clerk, or  
4 in a county with a board of registration, by both members of  
5 the board; and

6 (3) shall be numbered serially in the method prescribed for  
7 entry in the computerized list maintained under IC 3-7-26.3.

8 SECTION 30. IC 3-8-3-9 IS AMENDED TO READ AS FOLLOWS  
9 [EFFECTIVE JULY 1, 2005]: Sec. 9. (a) Each circuit court clerk shall,  
10 not later than noon Monday after the day the primary election is held,  
11 send to the election division by certified mail or hand delivery one (1)  
12 complete copy of all returns for presidential candidates. The clerk shall  
13 state the number of votes received by each candidate in each  
14 congressional district within the county.

15 (b) The statement described in subsection (a) may be sent by  
16 using the computerized list established under IC 3-7-26.3. A  
17 statement sent under this subsection complies with any  
18 requirement for the statement to be certified or sealed.

19 SECTION 31. IC 3-14-5-3 IS AMENDED TO READ AS  
20 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) This section  
21 does not apply to a violation of NVRA or IC 3-7. ~~(after December 31,~~  
22 ~~1994).~~

23 (b) The commission and each county election board shall report a  
24 violation of this title as a felony or misdemeanor to the appropriate  
25 prosecuting attorney and the alleged violator.

26 (c) The commission and boards may have the report transmitted and  
27 presented to the grand jury of the county in which the violation was  
28 committed at its first session after making the report and at subsequent  
29 sessions that may be required. The commission and boards shall  
30 furnish the grand jury any evidence at their command necessary in the  
31 investigation and prosecution of the violation.

32 SECTION 32. IC 12-7-1-3 IS AMENDED TO READ AS  
33 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. Except as  
34 otherwise provided in this title, a reference in this title to a federal  
35 statute or regulation relating to the federal National Voter Registration  
36 Act of 1993 (42 U.S.C. 1973gg) is a reference to the statute or  
37 regulation as in effect January 1, 2000: 2005.

38 SECTION 33. IC 16-18-1-3 IS AMENDED TO READ AS  
39 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. Except as  
40 otherwise provided in this title, a reference in this title to a federal  
41 statute or regulation relating to the federal National Voter Registration  
42 Act of 1993 (42 U.S.C. 1973gg) is a reference to the statute or

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regulation as in effect January 1, ~~2000~~ **2005**.

SECTION 34. IC 16-37-3-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. (a) The local health officer shall, from the stillbirth and death certificates, make a permanent record of the:

- (1) name;
- (2) sex;
- (3) age;
- (4) place of death;
- (5) residence; and
- (6) for a death certificate only:
  - (A) residence addresses of the deceased during the two (2) years before the death; and
  - (B) Social Security number;

of the deceased.

(b) The records shall be open to public inspection. ~~but~~ **Except as provided in this subsection**, the Social Security number is confidential and may not be disclosed to the public. **After December 31, 2005, the Social Security number shall be disclosed to the secretary of state and election division for voter list maintenance purposes under IC 3-7-26.3 and IC 3-7-45.**

(c) The local health officer shall, not later than January 31, April 30, July 31, and October 31 of each year, furnish to the county auditor the records of all deaths within the officer's jurisdiction that occurred during the previous three (3) months.

(d) The local health officer may make records of other data in connection with deaths for statistical purposes or for the purpose of planning health programs. Records under this subsection are not public records.

SECTION 35. THE FOLLOWING ARE REPEALED [EFFECTIVE UPON PASSAGE]: IC 3-7-20; IC 12-14-1.5-1.5; IC 12-14-25-1.5; IC 12-15-1.5-1.5; IC 16-35-1.6-1.5.

SECTION 36. **An emergency is declared for this act.**

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